

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In the application of

Docket No: Q68895

Shinji YAMAMORI, et al.

Appln. No.: 10/092,591

Confirmation No.: 1085

Group Art Unit: 1743

Filed: March 8, 2002

Examiner: Monique T. COLE

For: SENSOR FOR MEASURING CARBON DIOXIDE IN RESPIRATORY GAS

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT
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filings a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant submits the following explanations.

With regard to the following cited patents, Applicants submit that the concise English explanation is satisfied by a corresponding publication that is published in English:

Japanese Patent Publication No. 49-128590 corresponds to U.S. Patent 3,884,219;

Japanese Patent Publication No. 5-507004T corresponds to WO91/14469;

International Publication No. WO2000/7498A1;

Japanese Patent Publication No. 8-233806 corresponds to U.S. Patent 5,957,127;

Japanese Patent Publication No. 2000-88741 corresponds to U.S. Patent 6,258,040.

With regard to the following patents, Applicants rely on the Japanese's Examiner's comments pursuant to Rule 1.98 (a)(3), as provided below.

Japanese Patent Publication No. 2000-316834A discloses a respiratory sensor using a mask;

Japanese Utility Model Publication No. 5-7247 discloses an airway case having a pair of openings opposing to each other;

Japanese Utility Model Publication No. 62-25858 discloses that the light emitting element and the light receiving element are removably attached to an airway case; and

Japanese Patent Publication No. 2-130432 discloses that the light emitting element and the light receiving element are removably attached to an airway case.

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The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

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Complete if Known

Application Number	10/092,591
Confirmation Number	1085
Filing Date	March 8, 2002
First Named Inventor	Shinji YAMAMORI
Art Unit	1743
Examiner Name	Monique T. COLE

Attorney Docket Number Q68895

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 3,884,219		5/20/1975	Richardson et al.
		US 5,957,127	A	9/28/1999	Yamamori et al.
		US 6,258,040	B1	7/10/2001	Yamamori et al.
		US			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		JP	49-128590		12/9/1974		
		JP	5-507004	A	10/14/1993		
		WO	2000-07498	A1	2/17/2000		
		JP	2000-316834	A	11/21/2000		
		JP	8-233806	A	9/13/1996		
		JP	5-7247	U	2/2/1993		
		JP	2000-88741	A	3/31/2000		
		JP	62-25858	U	2/17/1987		
		JP	2-130432	A	5/18/1990		
		WO	91-14469	A1	10/3/1991		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶

Examiner Signature		Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.